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**DECISION**



**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D.C. 20548

*A. Kaler*  
*Janey*

**FILE: B-188219**

**DATE: January 19, 1978**

**MATTER OF: Georgia Highway Express, Inc.**

**DIGEST:**

The Government is entitled to the lowest published tariff rate applicable to its shipments, and agents of the Government are not authorized to contract for higher rates for similar service.

Georgia Highway Express, Inc. (GHE), in its letter of January 5, 1977, requests a review of the deduction action of \$120 taken by the General Services Administration (GSA), and of GSA's disallowance of its claim for additional transportation charges of \$205.80. Review of GSA's settlement action is being made by this Office under the provisions of 49 U.S.C. sec. 66(b) (Supp. V, 1975), and 4 C.F.R. sec. 53.5 (1977).

Under Government Bill of Lading (GBL) No. H-1542786, dated August 28, 1973, GHE transported a shipment described on the GBL as "CABLE, ELECTRIC, COPPER, NOI, ON REELS," weighing 23,095 pounds, from Fairchild Air Force Base, Washington, to MacDill Air Force Base, Florida. GHE billed and was paid \$1,420.20 on Army Finance Center voucher No. 390500, dated December 14, 1973. GHE's charges were based on the truckload (TL) provisions of Item 61160, National Motor Freight Classification (NMFC) A-13, and Item 616, Rocky Mountain Motor Tariff Bureau Tariff (RMB) 521 (21-C), MF-ICC 197, which subjected the shipment to a 24,000-pound minimum weight at the applicable class 45 TL rate of \$5.93 per hundredweight.

In the audit by GSA of the charges paid on GBL No. H-1542786, a notice of overcharge, dated August 22, 1975, for \$120 was issued to GHE. GSA based its charges on the 24,000-pound TL minimum weight provided in Item 61160 of NMFC A-13 and on the class 40 TL rate of \$5.43 per hundredweight derived from Items 1600 and 1650 of RMB Quotation 19-A. By letter dated January 29, 1976, the carrier declined to refund the \$120 and in June 1976, the Army Finance Center deducted this amount from monies otherwise due GHE.

In November 1975, GHE issued its supplemental bill or claim for additional transportation charges of \$205.80. The additional charges also were based on the provisions of Item 61160 of NMFC A-13

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and Items 1600 and 1650 of RMB Quotation 19-A, but GHE contended that the shipment was subject to a 30,000-pound minimum weight at the class 40 TL rate of \$5.43 per hundredweight. In its settlement certificate of December 3, 1976, GSA disallowed GHE's claim for \$205.80 because it claimed that the charges of \$1,432.20 originally paid to GHE were the applicable charges. At that time, GSA apparently overlooked the overcharge of \$120 that was based on the applicability of RMB Quotation 19-A.

In its review letter, GHE protests the deduction action and the disallowance of its claim for \$205.80. GSA now has reconsidered its deduction action and has determined that the charges of \$1,432.20 originally paid were correct and in a certificate of settlement dated March 3, 1977, it has allowed GHE's claim for the \$120 collected by deduction.

Based on RMB Quotation 19-A, GHE was correct in applying to the shipment a 30,000-pound minimum weight at the class 40 TL rate of \$5.43 per hundredweight. But both RMB Quotation 19-A and RMB Tariff 21-C are applicable to the shipment. The transportation charges are lower, however, based on the provisions of RMB Tariff 21-C, which subject the shipment to a 24,000-pound minimum weight at the applicable class 45 rate of \$5.93 per hundredweight. It is clear that when there is more than one rate available the Government, as other shippers, is entitled to the lowest published tariff rate applicable to its shipments, and agents of the Government are not authorized to contract for higher rates for similar services. Great Northern Ry. v. United States, 170 Ct. Cl. 188, 194 (1965); U.S. Lines Operations, Inc. v. United States, 99 Ct. Cl. 744 (1943), cert. den. 321 U.S. 775 (1944); Missouri Pacific R.R. v. United States, 71 Ct. Cl. 650 (1931); 35 Comp. Gen. 681 (1956).

GSA's actions in allowing GHE's claim for \$120 and disallowing its claim for \$205.80 were correct and are sustained.

  
Comptroller General  
of the United States